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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/654,542 09/01/00 SMITH

M 12627-000520

EXAMINER

MMC2/1221

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ART UNIT

PAPER NUMBER

2876
DATE MAILED:

3
12/21/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/654,542

Applicant(s)
Smith

Examiner
Daniel Felten

Group Art Unit
2876



☒ Responsive to communication(s) filed on Sep 1, 2000

☐ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 31-40 is/are pending in the applicat

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 31-40 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

DETAILED ACTION

1
2 1. Receipt of the Preliminary Amendment filed October 27, 2000 canceling 1-30 adding
3 claims 31-40. Claims 31-40 are pending in the application.

4 2. It is acknowledged that this application is a continuation of App. No. 09/113,783 filed
5 July 10, 1998, now U.S. Pat. No. 6,131,816. Prior art has been considered.

Claim Rejections - 35 USC § 102

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7
8
9 3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102
10 that form the basis for the rejections under this section made in this Office action:

11 A person shall be entitled to a patent unless --

12 (b) the invention was patented or described in a printed publication in this or a foreign country or in public use
13 or on sale in this country, more than one year prior to the date of application for patent in the United States.

14
15 4. Claim 31, 32, 34, 35, 37-40 are rejected under 35 U.S.C. 102(b) as being anticipated
16 by Hirokawa (US 4,762,182).

1 Hirokawa discloses a data storage card 11 (memory card), a housing comprising a
2 panel 9, having an opening formed in the panel 10, a card support 35 (conveying belt guides),
3 card handler 33 (moving mechanism), and a data head 41 (optical head);

4 wherein the moving means causes the data head to move along parallel tracks along the
5 storage medium (see figs. 1, 2, 6, and 8, col. 1, lines 4-48; col. 3, lines 3-46).

6 Hirokawa also discloses a data unit 9, for use with a substrate having first and second
7 edges and a data surface region therebetween, comprising: a base 9, a substrate support 35, a
8 data head driver 32, a step driver, first 31 and second 35 data head support surfaces (see figs.
9 2 and 7, col. 3, lines 3-46).

10 Hirokawa further discloses a method of reading/writing data to/from a plurality of
11 parallel tracks on a substrate comprising: positioning a data head at the first position, moving a
12 data head along a first track, repositioning the data head along a second track on the substrate,
13 wherein the data head is moving in a direction that is generally perpendicular to data tracks
14 (see fig. 6, col. 3, lines 3-46).

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17 ***Claim Rejections - 35 USC § 103***

18 5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
19 obviousness rejections set forth in this Office action:

1 (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
2 section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
3 such that the subject matter as a whole would have been obvious at the time the invention was made to a person
4 having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the
5 manner in which the invention was made.

6 6. Claims 33 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over
7 Hirokawa (US 4,672, 182). Hirokawa discloses all the components that meet the claimed
8 limitation. Hirokawa fails to explicitly disclose that the parallel tracks are constant-radius
9 curved tracks. Radius curved tracks are used within the art to position the card in an certain
10 path. Therefore it would have been obvious for an artisan of ordinary skill at the time of the
11 invention to use constant-radius curved tracks in Hirokawa's invention to allow the card to
12 travel in a predetermined direction. Thus to employ the parallel tracks are constant-radius to
13 Hirokawa's invention would be an obvious matter of design choice, having no unexpected
14 results to one of ordinary skill in the art.

15
16 *Conclusion*

17
18
19 7. The prior art made of record and not relied upon is considered pertinent to applicant's
20 disclosure:

21 Hayashi et al (US 5,801,368) discloses information recording and reproducing apparatus
22 Iijima et al (US 4,998,009) discloses information recording for recording data and
23 directories in a plurality of blocks
24 Smith (US 5,107,099) discloses a magnetic and reader and method

1 Watanabe (US 5,696,369) discloses an information recording and reproducing apparatus
2 provided with a mechanism for carrying medium.

3 Smith, Sr. (US 6,131,816) discloses a data system with support surfaces
4

5 8. Any inquiry concerning this communication or earlier communications from the
6 examiner should be directed to **Daniel S. Felten** whose telephone number is (703) 305-0724.
7 The examiner can normally be reached between the hours of 7:00AM to 5:30PM Monday-
8 Thursday.

9 If attempts to reach the examiner by telephone are unsuccessful, the examiner's
10 supervisor, **Michael G. Lee**, can be reached on (703) 305-3503. The fax phone number for this
11 Group is (703)308-7382 or (703) 308-7722.


12 Communications via Internet e-mail regarding this application, other than those under 35
13 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be
14 addressed to [daniel.felten@uspto.gov].

15 All Internet e-mail communications will be made of record in the application file. PTO
16 employees do not engage in Internet communications where there exists a possibility that
17 sensitive information could be identified or exchanged unless the record includes a properly
18 signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly
19 set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and
20 Trademark on February 25, 1997 at 1 195 OG 89.

21 Any inquiry of a general nature or relating to the status of this application or proceeding
22 should be directed to the Group receptionist whose telephone number is (703) 308-0956.

23 
24 DSF

25 December 15, 2000


KARL D. FRECH
PRIMARY EXAMINER